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HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201			EXAMINER CHANKONG, DOHM	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/892,350

**Applicant(s)**

EWING ET AL.

**Examiner**

DOHM CHANKONG

**Art Unit**

2452

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: 10/24

### **DETAILED ACTION**

1. This action is in response to Applicant's request for continued examination. Claims 1, 3-8, and 10-14 have been amended. Claims 1-20 are presented for further examination.
2. This action is a non-final rejection.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/7/2008 has been entered.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lehr et al, U.S. Patent No. 6,643,566 [“Lehr”], in view of Nierlich et al, U.S Patent No. 6,519,509 [“Nierlich”].

6. As set forth in greater detail below in the rejection of claims 1 and 13, Lehr teaches all the limitations as claimed except for a memory disposed in the power-distribution apparatus and having a power-control outlet user configuration storage area. However, memory in a power-distribution apparatus such as the one taught in Lehr was a well known feature in the art at the time of Applicant’s invention as evidenced by Nierlich. Like Lehr, Nierlich is directed towards an invention that monitors and controls energy distribution over a network [abstract | Figure 1]. Nierlich relies on a device called an E1-2000 for providing power monitoring and power curtailment functionality over the network [column 3 «lines 27-39»]. In this respect, Nierlich’s E1-2000 device is similar to Lehr’s power/data combiner. Both devices also disclose the use of power channels [Lehr, column 10 «lines 23-26» & Nierlich, column 10 «lines 12-14»].

Nierlich’s E1-2000 device differs from Lehr’s combiner by providing a memory disposed in the power-distribution apparatus and having a power-control outlet user configuration storage area [column 3 «lines 53-62» | column 5 «lines 19-30» | column 6 «line 60» to column 7 «line 15»]. The benefit of adding memory as taught by Nierlich into Lehr’s combiner would have been obvious to one of ordinary skill in the art because memory was so well known at the time of Applicant’s invention, particularly for storing useful information within the device for future use and backup [see Nierlich, column 5 «lines 19-30»].

7. All citations are to Lehr unless otherwise noted in the rejection.
8. As to claim 1, Lehr discloses a reconfigurable network-equipment power-management system, comprising:

a power-distribution apparatus having a power input disposed in the power-distribution apparatus and a communication interface disposed in the power-distribution apparatus for communicating with a remote user system [Figure 2A «items 18, 64, 90, 164» | Figure 3: Lehr's power/data combiner unit attached over a LAN to a management unit];

a plurality of power-control outlets disposed in the power-distribution apparatus, the plurality of power-control outlets connectable in power supply communication with the power input and one or more separate electronic appliances [column 4 «lines 51-57»: Lehr's combiner unit comprises a plurality of data plus power ports and in communication with a UPS or another power supply | Figure 2A: the combiner is connected to a variety of separate electronic appliances];

a plurality of power-control relays disposed in the power-distribution apparatus, each of the plurality of power-control relays in power control communication with at least one among the plurality of power-control outlets, whereby the plurality of power-control outlets and the plurality of power-control relays provide operating power to the one or more separate electronic appliances are able to interrupt the operating power to the one or more separate electronic appliances [Figure 3 «item 181» | column 10 «lines 9-18»: Lehr's line interface circuitry reads on

the claimed relay and Lehr discloses the combiner may have more than one set of circuits to provide more ports to the combiner];

a power-control outlet user configuration accessible by the remote user system for affecting the power provided or interrupted to the plurality of power-control outlets, wherein the power-control outlet user configuration comprises user configuration data for at least one of the plurality of power-control outlets disposed in the power-distribution apparatus [column 13 «lines 12-19»: Lehr discloses the management unit has access to the combiner's configuration such that the management unit may allocate power sources and configure the ports. Lehr's teaching of provisioning power sources at the combiner reads on the claimed user configuration];

a memory disposed in the power-distribution apparatus and having a power-control outlet user configuration storage area [column 3 «lines 53-62» | column 5 «lines 19-30» | column 6 «line 60» to column 7 «line 15»]and

at least one power controller disposed in the power distribution apparatus, wherein the at least one power controller corresponds to at least two of the plurality of power-control outlets [Figure 3 «item 186»], the at least one power controller comprising a power-control outlet user configuration transfer mechanism in communication with the communication interface accessible by the remote user system [column 10 «line 66» to column 11 «line 9»], whereby the power-control outlet user configuration transfer mechanism imports and exports the power-control outlet user configuration data between the power-distribution apparatus and the remote user system via the communication interface as a plurality of data packets that are assembled to form the power-control outlet user configuration [column 10 «line 66» to column 11 «line 9» : controller exports telemetry and status information to the management unit | column 13 «lines 7-

19»: the management unit importing provisioning information to the controller over the LAN. Data packets are implied from Lehr's teaching that the management unit and controller communicate over a LAN].

9. As to claim 13, Lehr discloses a remote power manager system in communication with a distal power manager application through a separate data communications network [Figure 2A], the remote power manager system comprising in combination:

a remote power manager having a power input connectable to the power network [Figure 3], a plurality of power-control power output ports connectable to power input and the associated electronic devices [Figure 3 «item 188»], a power controller in controlling communication with the plurality of power-control power output ports [Figure 3 «item 186»], a data communications network port system in communication with the power controller and being connectable to said data communications network [Figure 2A «items 64, 66, 18»], and a power manager memory providing storage for a power-control power output port outlet user configuration [Nierlich, column 3 «lines 53-62» | column 5 «lines 19-30» | column 6 «line 60» to column 7 «line 15»], the power-control power output port user configuration comprising user configuration data for supplying or interrupting power to each of the plurality of power-control power output ports [Lehr, column 13 «lines 7-19» & Nierlich, column 5 «lines 18-30» | column 6 «lines 60» to column 7 «line 15»];

a power-control power output port user configuration transfer application providing for selectably importing a power-control power output port user configuration from the distal power manager application through the data communications port system to the power manager

memory [Figure 3 | column 13 «lines 7-19»: Lehr's management unit providing provisioning information (configuration) to the controller within the combiner where the provisioning information affects the power output ports of the combiner], or exporting the power-control power output port user configuration from the power manager memory through the data communications network port system to the distal power manager application over the data communications network through a plurality of packets that are assembled from the power-control power output port user configuration [column 10 «line 66» to column 11 «line 9» : controller exports telemetry and status information to the management unit | column 13 «lines 7-19»: the management unit importing provisioning information to the controller over the LAN. Data packets are implied from Lehr's teaching that the management unit and controller communicate over a LAN].

10. Claim 2 is rejected under 35 U.S.C § 103(a) as being unpatentable over Lehr and Nierlich, in further view of Potega, U.S Patent No. 6,459,175.

11. As to claim 2, Lehr as modified by Nierlich does not expressly disclose a network agent for converting software commands communicated as TCP/IP packets into signals. However Lehr does disclose a controller for communicating commands over a LAN. Nierlich also discloses utilizing TCP/IP packets for controlling a remote power manager and commands [column 12 «lines 26-49» | column 14 «lines 35-49»]. Potega discloses a network software conversion agent in communication with a remote power manager whereby the network software conversion agent converts software commands communicated as TCP/IP packets into signals that can be



understood by the remote power manager [column 31 «lines 5-8» | column 37 «lines 35-42»]. It would have been obvious to one of ordinary skill in the art to incorporate Potega's network agent into Lehr and Nierlich's system such that Nierlich's system may be controllable by packets directed specifically to network devices.

12. Claims 3-12 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lehr and Nierlich as applied to claim 1, in further view of Karanam et al, U.S Patent No. 6,266,713 ["Karanam"].

13. As to claim 3, Lehr as modified by Nierlich discloses transferring provisioning data (configuration information) and a power-control outlet user configuration transfer mechanism [Lehr, column 13 «lines 12-19» & Nierlich, column 6 «line 60» to column 7 «line 48» | column 12 «lines 26-49» | column 14 «lines 35-49»] but does not explicitly disclose a configuration upload command mechanism whereby the configuration upload command mechanism recognizes a user command to upload the power-control outlet user configuration from the memory to a destination. However, the teaching of a management unit that provides configuration information to a destination clearly implies the use of a configuration upload mechanism. Karanam expressly discloses a configuration upload command mechanism whereby the configuration upload command mechanism recognizes a user command to upload the power-control outlet user configuration from the memory to a destination. [Figure 20 | column 4 «lines 26-28» | column 5 «lines 1-39» | column 14 «lines 32-61»]. It would have been obvious to one of

ordinary skill in the art to modify Lehr and Nierlich's transfer mechanism to include Karanam's command mechanism to enable a user of Lehr's device to more easily upload the information.

14. As to claim 4, Lehr as modified by Nierlich discloses transferring command (configuration information) as well as downloading user configuration information to the power-distribution apparatus as a substitute to a memory in the power distribution apparatus [Lehr, column 13 «lines 12-19» & Nierlich, column 6 «line 60» to column 7 «line 48» | column 12 «lines 26-49» | column 14 «lines 35-49»], but does not explicitly disclose a configuration substitution command mechanism in communication with the power-control outlet user configuration transfer mechanism, whereby the configuration substitution command mechanism recognizes a user command to perform said downloading. This feature however was well known in the art at the time of Applicant's invention. For example, Karanam discloses a configuration substitution command mechanism that recognizes a user command to perform said downloading [Figure 20 | column 4 «lines 26-28» | column 5 «lines 1-39» | column 14 «lines 32-61»]. It would have been obvious to one of ordinary skill in the art to modify Lehr's transfer mechanism to include Karanam's command mechanism to enable a user of Lehr's device with the ability to download and replace information located at the power distribution apparatus.

15. As to claim 5, Lehr as modified by Nierlich does not explicitly disclose an integrity-checking application that checks the integrity of a substitute power-control outlet user configuration downloaded to the memory disposed in the power-distribution apparatus and facilitates rejection of a corrupted transfer. However, integrity checking of configuration data

was a well known feature in the art at the time of Applicant's invention. For example, Karanam discloses an integrity-checking application that checks the integrity of a substitute power-control outlet user configuration downloaded to the memory disposed in the power-distribution apparatus and facilitates rejection of a corrupted transfer [column 14 «lines 60-61» where : Karanam implicitly suggests that the configuration is not accepted if the configuration does not have proper syntax]. It would have been obvious to one of the ordinary skill in the art to include Karanam's configuration integrity checker to insure that configuration information and parameters that are transferred to Lehr's power supply device are proper and valid.

16. As to claim 6, Lehr as modified by Nierlich does not explicitly disclose an integrity-checking application that checks integrity of a substitute power-control outlet user configuration downloaded to the memory disposed in the power-distribution apparatus and facilitates adoption of an acceptable transfer. However, integrity checking of configuration data was a well known feature in the art at the time of Applicant's invention. For example, Karanam discloses an integrity-checking application that checks integrity of a substitute power-control outlet user configuration downloaded to the memory disposed in the power-distribution apparatus and facilitates adoption of an acceptable transfer [column 14 «lines 60-61»]. It would have been obvious to one of the ordinary skill in the art to include Karanam's integrity checker to insure that configuration information and parameters that are transferred to Lehr's power supply device are proper and valid.

17. As to claim 7, Lehr as modified by Nierlich does not explicitly disclose a configuration editor application that allows for modification of the power-control outlet user configuration into a substitute power-control outlet user configuration. However, Karanam discloses a configuration editor application that allows for modification of the power-control outlet user configuration into a substitute power-control outlet user configuration [column 14 «lines 48-56» | column 17 «lines 40-49»]. It would have been obvious to one of ordinary skill in the art to modify Lehr to include an editor for configuration information to enable a user to edit and create new provisioning commands that are suggested by Lehr [column 13 «lines 12-19»].

18. As to claim 8, Lehr as modified by Nierlich discloses configuration information to control said plurality of power-control ports [Lehr, column 13 «lines 12-19» & Nierlich, column 6 «line 60» to column 7 «line 15»] but does not explicitly disclose a configuration editor application that allows for modification of the power-control outlet user configuration into a substitute power-control outlet user configuration. However, Karanam discloses a configuration editor application that allows for modification of the power-control outlet user configuration into a substitute power-control outlet user configuration [column 5 «lines 1-39» | column 8 «lines 11-23» | column 14 «lines 48-56» | column 17 «lines 40-49»]. It would have been obvious to one of ordinary skill in the art to modify Lehr to include an editor application for configuration information to enable a user to edit and create the provisioning commands as taught by Lehr [column 13 «lines 12-19»]

19. As to claim 9, it does not teach or further define over the limitations of claims 2-8.

Therefore, claim 9 is rejected for the same reasons set forth in claims 2-8, supra.

20. As to claims 10-12, they do not teach or further define over the limitations of claims 1 and 5-8. Therefore, claims 10-12 are rejected for the same reasons set for claims 1 and 5-8.

21. As to claim 14, Lehr as modified by Nierlich does not expressly disclose that the user-configuration comprises at least one user-assigned name for at least one of the plurality of power-control points. Karanam discloses a user-configuration comprising at least one user-assigned name for at least one of the plurality of power-control output ports [column 6 «lines 48-64» | column 14 «lines 48-67» where : Karanam discloses utilizing mnemonics to identify data points]. Karanam discloses that utilizing names to identify data points, such as output ports, because it eases their configuration by making it easier for a user to identify the points. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the use of mnemonics into Lehr's and Nierlich's configuration data to ease the configuration of Potega's power-control output ports by making it easier for users to identify the ports.

22. Claims 15-20 are rejected under 35 U.S.C §103(a) as being unpatentable over Lehr, and Nierlich, in further view of Bersiek, U.S Patent No. 6.608.406.

23. As to claims 15-18, Lehr as modified by Nierlich does not disclose a power distribution apparatus comprising housing mountable to an electrical equipment rack. Bersiek discloses a

power distribution apparatus comprising housing mountable to an electrical equipment rack [abstract]. Bersiek also discloses that such a housing can be vertical and can be vertically mounted to a rack [Figure 3]. Bersiek further discloses that the appliances are mounted in the same electrical rack or another electrical rack [column 5 «lines 4-15»]. Finally, Bersiek discloses that the outlets are in active power supply communication with the one or more separate electronic appliances [column 4 «lines 38-48»]. It would have been obvious to one of ordinary skill in the art to modify Lehr and Nierlich's power distribution apparatus to incorporate the mountable housing design taught by Bersiek. Bersiek describes the benefit of such a housing as providing improvements in design, cost and time [column 1 «lines 55-60»]. Thus, Lehr's invention would have been improved by implementing it within an electrical rack.

24. As to claims 19 and 20, they do not teach or further define over previously claimed limitations. Therefore, they are rejected for at least the same reasons set forth for claims 15-17.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Cafiero et al, U.S. Patent No. 6,762,675.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/  
Examiner, Art Unit 2452